IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 14TH NOVEMBER 2007 / 23RD KARTHIKA 1929

CRL.A.No. 1379 of 2003()

AGAINST THE ORDER IN CRLP.271/2003 Dated 12/08/2003
CC.281/2000 of JUDL. MAGISTRATE OF FIRST CLASS COURT-III, NEYYATTINKARA

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APPELLANT: PETITIONER/COMPLAINANT

K.RAHAYYAN, MANJAMKUZHI VEEDU,
KOTTUKAL DESOM, KOTTUKAL VILLAGE.

BY ADV. SRI.R.T.PRADEEP

RESPONDENTS: RESPONDENT/ACCUSED

SREEKUMAR S/O. SANKARA PANICKER,
PALLIKKARA, KAZHIVOOR DESOM, KANJIRAMKULAM VILLAGE

BY PUBLIC PROSECUTOR, SRI C.K.SURESH

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 14/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R.UDAYABHANU, J.

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Crl.A.No.1379 of 2003(C)

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Dated this the 14th day of November, 2007

J U D G M E N T

The appellant is the complainant in C.C.No.281/2000 in the file of the Judicial Magistrate of the First Class-III, Neyyattinkara, with respect to the proceedings initiated under Section 138 of the Negotiable Instruments Act. The accused was acquitted under Section 256(i) of the Code of Criminal Procedure. It is submitted that the lapse was occasioned on account of wrong noting of the posting date.

In the circumstances, the order of acquittal is set aside. The court below is directed to permit the appellant/complainant to further pursue the matter and dispose of the case on merits. The appellant shall appear before the court below on 03/12/2007. The court below shall issue fresh summons to the accused.

The appeal is allowed.

Sd/-
K.R.UDAYABHANU,
Judge

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P.A.to Judge